



KENNETH M. HOYT

United States Courthouse
Courtroom 11-A
515 Rusk, 11th Floor
Houston, Texas 77002
(713)250-5613

Myra Baird, Case Manager
United States District Clerk
P. O. Box 61010
Houston, Texas 77208
(713) 250-5515

CRIMINAL PROCEDURES

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Note: This is helpful information. Nothing in it supersedes formal rules or common sense.

11. **CONTACT WITH COURT PERSONNEL**

- A. Case-related telephone inquiries are to be made to the Case Manager only. **Inquiries should not be made to the Court's secretary or law clerks.**
- B. Courtesy copies of documents filed less than three (3) days prior to a court setting **must** be delivered to Chambers after originals are filed with the Clerk of the Court. Copies of urgent documents may also be sent to Chambers.

12. **EMERGENCIES**

- A. Counsel should contact the Case Manager on matters requiring immediate attention at (713) 250-5515.
- B. Motions for extension of deadlines in the Scheduling Order are not emergencies.
- C. Courtesy copies of emergency motions should be sent directly to Chambers.

13. **COURT SETTINGS**

A Docket Control Order will be issued at the time of Arraignment.

14. **CONTINUANCES**

- A. Joint motions for continuances are not binding, and they will be granted only at the Court's discretion.
- B. Trial will not be continued because an expert or medical witness is unavailable. Counsel should anticipate such possibilities and be prepared to present testimony by written deposition, videotaped deposition, or by stipulation.

15. **MOTION PRACTICE**

- A. Motions must contain a certificate that opposing counsel was consulted but no ~~agreement~~ could be reached.
- B. The Court will consider on all pending motions at the motion hearing.
- C. If an evidentiary hearing is necessary, counsel should notify the case manager in advance. Exhibit and witness lists (2 copies each) will be provided to the Court at the hearing.

16. **REQUIRED PRETRIAL MATERIALS**

- A. Counsel must provide two (2) copies of their exhibit list and two (2) copies of their witness list for ALL trials and hearings. (*see* attached forms)
- B. Jury Trials:
 - 1) Counsel must file, IN DUPLICATE, proposed voir dire questions and proposed jury instructions. Each proposed voir dire question must be in question form. The Court will conduct the voir dire examination.
 - 2) Jury instructions must be short, simple, and concise. Each will be numbered and presented on a separate sheet of paper with the citation of authority upon which counsel rely.

17. **EXHIBITS**

- A. The offering party will mark his own exhibits with the party's name, case number, and exhibit number on each exhibit to be offered.
- B. The Court will admit all exhibits without objection into evidence as the first order of business. Sensitive exhibits (weapons, drugs and money) will remain in the custody of the government agent throughout the proceedings.
- C. Counsel will not pass exhibits to the jury during trial without obtaining permission in advance from the Court. All admitted exhibits will go to the jury during its deliberations.
- D. Counsel for each party is required to provide the Court with a copy of that party's exhibits in a properly tabbed and indexed notebook.
- E. Disposition of Exhibits Following Trial:
 - 1) Exhibits that are not easily stored in a file folder (like posters, parts, or models) must be withdrawn after the completion of the trial and reduced reproductions or photographs substituted.
 - 2) If there is no appeal, exhibits will be removed by the offering party within thirty (30) days after disposition of the case.

- 3) When there is an appeal, exhibits returned by the court of appeals will be removed by the offering party within ten (10) days after written notice from the clerk.
- 4) Exhibits not removed will be disposed of by the clerk, and the expense incurred will be taxed against the offering party.

18. **EQUIPMENT**

- A. Counsel are responsible for providing any equipment necessary to facilitate opening/closing arguments, (i.e. Power Point, etc.). Inform the Case Manager prior to trial so arrangements can be made to accommodate building security.
- B. Easels with writing pads, drawing boards, and a visualizer are available for use in the courtroom. A VCR is available for videotapes.
- C. Any requests for real-time provided by the Court Reporter should be handled before beginning of trial. Court Reporter reserves the right to provide real-time or not.

19. **COURTROOM PROCEDURES**

- A. Hours: The Court's hours during trial vary depending upon the type of case and the needs of the parties, counsel, witnesses, and the Court. Court will normally convene at 9:00 a.m. and adjourn at 5:00 p.m., recessing for lunch between 12:00 noon and 1:30 p.m.
- B. Access at Other Times: Counsel needing access to the courtroom to set up equipment or exhibits before or after normal hours of court must arrange in advance with the Case Manager to have the courtroom open.
- C. Telephones: Telephone messages for counsel will **not** be taken by the judge's staff, and counsel shall refrain from requesting use of telephones in chambers. Public telephones are available.
- D. Filing Documents: Two copies of documents filed immediately prior to and during the trial should be submitted to the Case Manager.
- E. Decorum:
 - 1) Counsel and parties will comply with Local Rule 19 and any addendums regarding courtroom behavior. These procedures are strictly enforced.

- 2) Counsel will ensure that all parties and witnesses refrain from chewing gum, drinking, eating, smoking, or reading newspapers, books, etc. in the courtroom. Cellular telephones or beepers are allowed in the courtroom but must be maintained in an “off” or “silent” mode.

F. Witnesses:

- 1) Counsel are responsible for summoning witnesses into the courtroom and instructing them on courtroom decorum. Witnesses may be questioned while the attorney is seated at the counsel table or standing at the podium, as needed.
- 2) Counsel must obtain permission from the Court to approach a witness.
- 3) Counsel shall make every effort to elicit from the witnesses only information relevant to the issues in the case and avoid cumulative testimony.
- 4) Counsel should bear in mind the Court’s hours and arrange for witnesses accordingly. The Court will not recess to permit counsel to call a missing witness unless he or she has been subpoenaed and has failed to appear.

G. Seating:

- 1) The Court does not designate seating at counsel tables; seating is determined on a first come first served basis on the first day of trial.
- 2) Once counsel have determined their seating arrangement, the reporter will note their position on a chart for the Court and the reporter and there will be no change once trial have begun, except at the Court’s direction.
- 3) Enter and leave the courtroom only by the front doors; do not use the Court’s entrances.
- 4) Stand to make objections, and remain standing until the judge has ruled.

H. Deliberations: While the jury is deliberating, counsel are to remain near the courtroom to be available for jury notes or a verdict.

UNITED STATES DISTRICT COURT



SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA <i>versus</i> - - - - -		CRIMINAL NO.	
		Exhibit List	
Judge Kenneth M. Hoyt		Case Manager: Myra Baird	
List of	Proceeding Date		

No.	Description	Adm	Exd
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UNITED STATES DISTRICT COURT



SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

versus - - - - -

CRIMINAL

Witness List

Judge Kenneth M. Hoyt

Case Manager: Myra Baird

List of

Proceeding

Date

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
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- 10.